

REMARKS

Reconsideration is respectfully requested. Claims 1-4, 8, 9, 14 and 15 are present in the application. No claims are amended. Claims 5-7 and 10-13 were previously canceled.

Claims 1, 3, 8, 9, 14 and 15 are rejected under 35 USC §103(a) as allegedly being unpatentable over Murthy (US 6353792) in view of Ogasawara (US 6512919) and further in view of Boesjes (US 6799165).

Applicant respectfully traverses.

Discussion of the newly cited Murthy relative to applicant's claims

a) Murthy discloses a system for remote communication of traffic monitoring device data, comprising a central computer server (7) which collects traffic data from roadside traffic monitoring devices (1) and makes the data available to a plurality of remote users (workstations 13). While it is true that Murthy teaches user mail boxes (10) which are considered by the Examiner to be the "uniquely dedicated storage areas" for respective users, there is, however, no element in Murthy that corresponds to Applicant's software sales site. Murthy's communicating devices (3) are not like Applicant's software sales site but are merely client terminals which send data to the central computer server 7. The data terminals (workstations 13) cannot directly access the communication devices (3). Moreover,

the contents of the user mail boxes are all the same when compared with each other because data is a copy of the content in the master mail box (8).

Therefore, the Examiner's position is respectfully believed to be not supported by Murthy and it is not correct that Murthy discloses "storing software, which is downloaded at a software site on the network, from the software site into one of the dedicated storage areas uniquely allocated to said one of the users of the storage server without sending the software from the software site directly to a data terminal of said one of the users" as stated in the Office Action.

Discussion of Ogasawara

b) Ogasawara teaches a portable data terminal which downloads a program associated with the terminal. However, as discussed earlier in the prosecution of this application, what is uniquely allocated to each user in Ogasawara is a program (software) itself stored in a storage (download program memory 52 in Fig. 2) but not a storage area unlike in Applicant's invention. This could be understood by the fact that no programs other than the "download program" are stored in the memory 52. In contrast, what is uniquely allocated to each user in Applicant's invention is not software (program) but a storage area, and no software stored in the dedicated storage area is tailored to the user unlike in Ogasawara. Further, in Ogasawara,

the programs stored in the memory 252 are not those purchased from a software sales site.

Therefore, the combination of Murthy with Ogasawara will merely result in a system still without the software sales site.

Discussion of Boesjes

c) Boesjes discloses downloading software from a software sales site on the Internet. The "order storage area 150" (Fig. 5) stores therein purchased goods to be downloaded to a user terminal. However, the order storage area 150 does not include the "uniquely dedicated storage area for each of users". Moreover, the purchased goods are only temporarily stored in the order storage area 150. This is not the same as in Applicant's invention in which the purchased software is kept in the dedicated storage area after the software has been downloaded to the user terminal.

d) In addition, as mentioned above, Murthy's user mail boxes as the "uniquely dedicated storage areas" store therein the same data. Therefore, there is no suggestion or motivation to combine it with Boesjes in a manner to use the user mail boxes to store software which was purchased by the corresponding users at the software sales site.

e) To summarize, a point Applicant is making is that no references teach the general idea of Applicant's invention, i.e., in spite of the fact that an user of data terminal is able to download software that he or she purchased at a software sales

site, directly from the site to his or her portable data terminal, the purchased software is forwarded from the software sales site not to his or her data terminal but to his or her dedicated storage area in the storage server to be stored therein and afterwards to make available the software to him or her in response to his or her request, while keeping the software intact in the dedicated storage area. This idea is created from Applicant's recognition of the problems (1)-(3) raised in page 2 of Applicant's specification to be solved by the invention, that is:

(1) A decrease in the free space of the internal storage unit (also called local storage) prevents new additional programs from being stored.

(2) This requires an application in the local storage to be replaced when the storage capacity becomes insufficient. However, if an application stored in the local storage is erased during application replacement and if the user paid for the application, the user must purchase the same application again the next time he or she wants to use the application. This is uneconomical for the user. If those conditions keep the user from purchasing applications, application vendors will lose the chance of sales.

(3) Such conditions as described above have prevented applications, which work on cellular phones and so on, from being sold on a network.

None of the references refers to nor suggest such problems.

Therefore, it would have been difficult even for a person of ordinary skill in the art to combine Murthy, Ogasawara with Boesjes so as to realize Applicant's invention. Applicant's invention would not result from the combination.

The above discussion can be applied to the invention recited in independent claims 1 and 8. For the other claims that depend from claim 1 or 8, the above discussion will also apply in a corresponding manner.

Claims 2 and 4 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Murthy in view of Ogasawara in further view of Boesjes as applied to claim 1, and further in view of Zilliacus.

Applicant respectfully traverses.

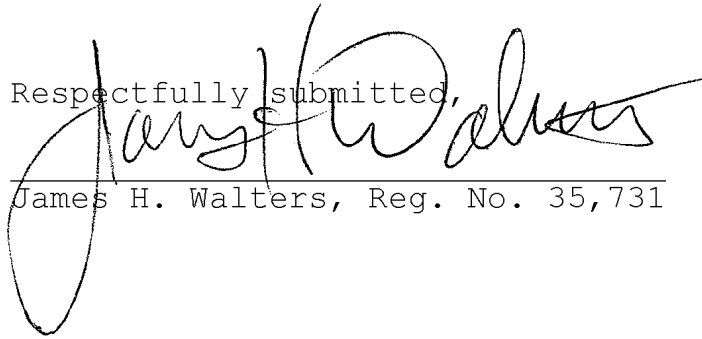
The teaching of Zilliacus does not provide any suggestion or instruction that would overcome the inability of the combination of Murthy in view of Ogasawara in view of Boesjes to teach or suggest claim 1, and accordingly, claims 2 and 4 should also be considered patentable.

In view of the above, applicant respectfully believes that all the claim rejections under 35 USC 103 should be withdrawn.

It is believed that all necessary fees have been paid with the filing of this response. However, if additional fees are required to keep the application pending, or if refund is owed, please charge/refund deposit account 503036.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 802
patenttm.us
P.O. Box 82788
Portland, Oregon 97282-0788 US
(503) 224-0115
DOCKET: Y-201

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